

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT JOSEPH LEWIS PRICE,

Plaintiff,

Civil No. 22-cv-11872
Hon. Matthew F. Leitman

v.

DEPARTMENT OF CORRECTIONS, et al.,

Defendants.

**ORDER (1) GRANTING PLAINTIFF’S MOTION TO AMEND
COMPLAINT (ECF No. 19) AND (2) DIRECTING PLAINTIFF TO
PROVIDE THE COURT WITH THE ADDRESSES OF THE
DEFENDANTS NAMED IN THE AMENDED COMPLAINT**

Plaintiff Robert Joseph Lewis Price is a state inmate presently confined at the Carson City Correctional Facility in Carson City, Michigan. On August 12, 2022, Price filed this *pro se* civil-rights action under 42 U.S.C. § 1983. (*See* Compl., ECF No. 1.) Price named three Defendants in his complaint: (1) the Michigan Department of Corrections (the “MDOC”), (2) the St. Louis Central Correctional Facility, and (3) the Bellamy Creek Correctional Facility. (*See id.*) He alleged, among other things, that MDOC officials violated his First and Fourteenth Amendment rights when they wrongfully found him guilty of misconduct and imposed disciplinary sanctions against him.

On December 5, 2022, the Court entered an order directing Price to show cause why this action should not be summarily dismissed. (*See* Order, ECF No. 11.) In that order, the Court explained that Price's Complaint failed to state an actionable claim against any of the three named Defendants. Specifically, the Court explained that the MDOC, the St. Louis Correctional Facility, and the Bellamy Creek Correctional Facility are not entities subject to suit in a Section 1983 case.

Now before the Court is Price's motion to file an Amended Complaint. (*See* Mot., ECF No. 19.) In his proposed Amended Complaint (which Price incorporated into his motion), Price seeks to bring claims against a number of MDOC officials and employees at the St. Louis and Bellamy Creek facilities.

The Court **GRANTS** Price's motion to amend. The Federal Rules of Civil Procedure provide that a party may amend his pleading once as a matter of course within 21 days of serving the pleading or within 21 days of service of a responsive pleading or motion filed under Rule 12(b), (e), or (f). Fed. R. Civ. P. 15(a)(1). The initial Complaint has not been served on any of the Defendants. Thus, Price is entitled to amend his Complaint as a matter of right. The Court will therefore **ACCEPT** the Amended Complaint as the operative pleading in this action.

The Court next addresses the issue of serving the Amended Complaint. Because Price has been permitted to proceed *in forma pauperis* in this case, "the court may direct that service be made by a United States marshal or deputy marshal

or by a person specially appointed by the court.” Fed. R. Civ. P. 4(c)(3). However, in order to effectuate service, the Court must have current contact information for each Defendant. Here, while Price has identified several individuals by name in the body of his Amended Complaint, he has not properly identified each of those individuals as Defendants or identified the facility where each Defendant works.

Accordingly, by no later than **September 8, 2023**, Price shall provide the Court, in writing, (1) the name of each Defendant and (2) the facility where each Defendant is employed. On receipt of this information, the Court will direct the United States Marshal to effectuate service of the Amended Complaint on the Defendants. Any failure by Price to comply with this order could result in the dismissal of the Amended Complaint.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: July 25, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 25, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126